

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

NES RENTALS, L.P.

Plaintiff,

No. 02-2641-D/A

v.

MILLENNIUM METAL WORKS, INC. and
CHARLES FARRIS

Defendants.

FILED BY *09*
05 OCT 21 PM 2:14
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. - MEMPHIS
D.C.

Amended
**ORDER GRANTING PLAINTIFF'S MOTION FOR AN AWARD OF SANCTIONS AND
FOR ENTRY OF CONSENT JUDGMENT**

This matter is before the court upon Plaintiff's Motion to Reopen, for an award of sanctions pursuant to the Defendant's failure to respond to the Court's Show Cause Order and for the entry of the Consent Judgment executed by the parties. The Court finds that the administratively closed case has been properly reopened. The Court further finds that the Plaintiff is entitled to an award of sanctions against Defendant for Defendant's failure to comply with the Court's Orders directing the Defendant to respond to discovery and to pay sanctions to Plaintiff. The Court further finds that the Plaintiff is entitled to the entry of the Consent Judgment executed by the parties.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. The Defendant shall pay the Plaintiff as a sanction for his discovery abuses and contempt of the Court's Orders all discovery-related fees, expenses and costs incurred by the Plaintiff in this case, the sanctions previously awarded by the Court in the amount of \$495.00 plus interest accruing from the date of entry of the previous Order awarding sanctions, and all fees, expenses and costs incurred by Plaintiff in its efforts to have the Defendant comply with the

Court's Orders. Counsel for Plaintiff shall prepare an Affidavit of the referenced fees and expenses and costs incurred by Plaintiff and submit the same to the Court for consideration.

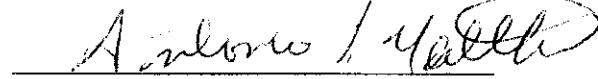
Defendant shall have 10 days from the date of service of counsel for Plaintiff's Affidavit to file an objection as to any amounts set forth therein.

2. The Consent Judgment executed by the parties shall be entered by the Court and the judgment shall be amended to include the sanctions awarded against Defendant pursuant to this Order.


JUDGE

DATE: March 22, 2005

SUBMITTED BY:



Antonio L. Matthews (#018107)

Attorney for Plaintiff

NES Rentals, Inc.

BAKER, DONELSON, BEARMAN & CALDWELL, P.C.

165 Madison Avenue

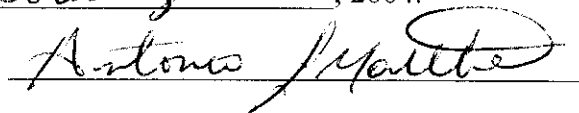
2000 First Tennessee Building

Memphis, Tennessee 38103

(901) 526-2000

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been mailed, postage prepaid, to Charles Farris, 224 Highway 49 South, Bryon, Georgia 31008, and P.O. Box 2488, Clanton, AL 35046 this 13 day of February, 2004.





Notice of Distribution

This notice confirms a copy of the document docketed as number 84 in case 2:02-CV-02641 was distributed by fax, mail, or direct printing on October 21, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT